

[Counsel Listed on Signature Pages]

FILED

NOV 19 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

Master File No. C-02-1486 CW (EDL)

This Document Relates To: All Actions

**STIPULATION, [PROPOSED]
ORDER AND JOINT SUBMISSION
REGARDING TRIAL EXHIBITS**

Pursuant to the Court's instructions, and to facilitate the admission of evidence in an efficient manner, the parties submit this stipulation, proposed order and joint submission regarding the exhibits admitted into evidence at trial through October 31, 2007.

I. STIPULATION FOR UNDISPUTED EXHIBITS

WHEREAS, the parties moved the Court to admit several exhibits into evidence between October 24 and October 31, 2007;

WHEREAS, the parties met and conferred regarding the admissibility of these exhibits;

WHEREAS, the parties agree that the exhibits or portions of the exhibits listed on Exhibit A were admitted into evidence, but do not waive any objections that were asserted at the time those exhibits were moved into evidence at trial;

IT IS HEREBY STIPULATED by and between the parties, through their counsel of record, that the attached Exhibit A reflects the exhibits admitted into evidence between October 24 and October 31, 2007.

II. DISPUTED EXHIBITS

A. Plaintiffs' Exhibit 146

Defendants' Position

Exhibit 146 should be excluded from evidence as irrelevant, highly prejudicial, and improper character evidence. The exhibit references Lucent's "cost savings program" and was discussed during the videotaped deposition testimony of Gordon Buchan.¹ The Complaint, however, does not mention Lucent's cost savings program and it is unrelated to any alleged misstatement by JDSU. Because Lucent's cost savings program did not affect JDSU's revenues, or the manner in which JDSU accounted for its sales to Lucent, the program is irrelevant to Plaintiffs' claims.

¹ The Court overruled Defendants' original objections to Mr. Buchan's testimony regarding TX 146, which were set forth in the margins of Mr. Buchan's marked-up transcript. Nonetheless, the Court did note that it would consider argument related the admissibility of a document even after it had been published to the jury during the presentation of video testimony to the jury. (See 10/26/2007 Trial Tr. 479:20-480:9 (providing that "[i]f there's something particular you want to say afterwards, I guess we can always strike them later").)

1 The exhibit also is unfairly prejudicial. Plaintiffs implied through Mr. Buchan's
2 testimony that JDSU engaged in improper accounting practices because it participated in Lucent's
3 cost savings program. Mr. Buchan, however, testified that he had no personal knowledge as to
4 whether JDSU acceded to Lucent's request. (See Buchan Dep. 180 (providing "[t]his e-mail says
5 its was agreed to. I haven't — I don't recall whether or not it was put into effect).) Moreover,
6 there is no evidence whatsoever that Lucent — let alone JDSU — accounted for the cost savings
7 program improperly.

8 Exhibit 146 also should be excluded as improper character evidence. Indeed, during the
9 proceedings on November 5, Plaintiffs published the exhibit during their examination of Jozef
10 Straus in an attempt to impugn his character. Rule 608(b), however, prohibits Plaintiffs from
11 using such extrinsic evidence to attack credibility. See, e.g., *Lewy v. Southern Pacific Transp.*
12 *Co.*, 799 F.2d 1281, 1299 n.13 (9th Cir. 1981). Rule 404(a) further prohibits Plaintiffs from using
13 this exhibit as "propensity" evidence. See *United States v. Mayans*, 17 F.3d 1174, 1181-82 (9th
14 Cir. 1994) (providing that Rule 404(b) only applies if evidence "prove[s] a logical connection
15 between the knowledge gained as a result of the commission of the prior act and the knowledge at
16 issue in the charged act"). Exhibit 146 should not be admitted into evidence.

17 Plaintiffs' Position

18 This Court, on two prior occasions, has overruled the defendants' relevancy and unduly
19 prejudicial objections to Exhibit 146. The defendants first sought to exclude this exhibit in their
20 motion *in limine* no. 16. Defendants' Motions *in Limine* (Docket No. 1456) at p. 17. That
21 motion was denied. See 10/9/07 Minute Order (Docket No. 1625). The defendants next sought
22 to exclude this exhibit and the related testimony of Gordon Buchan when it objected to the
23 portions of Mr. Buchan's deposition testimony designated by plaintiffs'. The Court overruled
24 those objections too. The Court specifically commented on its rulings to the parties' deposition
25 designations and corresponding exhibits, "We can't hear the deposition without seeing the
26 exhibits, and so — it was my understanding that my rulings on the portions of the deposition that
27 could be heard would include the exhibits that were referred to in those portions." 10/25/07 Tr. at
28 480:1-5.

1 Although the defendants correctly note that the Court also commented that “[i]f there’s
2 something particular you want to say afterwards, I guess we can always strike them later.”
3 However, the defendants simply reiterate the arguments made in their motion *in limine* no. 16 and
4 their objections to plaintiffs’ deposition designations. They do not raise new facts or
5 circumstances that could warrant reconsideration of those rulings.

6 Furthermore, the defendants’ relevancy argument is baseless. Exhibit 146 discusses
7 JDSU’s agreement to participate in Lucent’s cost savings program, which would provide Lucent
8 with an alternative to a cost reduction on the *400G optical amplifier*. Part of the Plaintiffs’
9 allegations regarding Lucent, JDSU’s largest customer in the year 2000, relate to Lucent’s
10 demand for, and its attempt to cut costs on, the *400G optical amplifiers*. For example, defendant
11 Jozef Straus testified that Lucent was having difficulty in the market in the year 2000, that Lucent
12 advised JDSU on July 20, 2000 that it was in a “life and death situation” and needed to cut its
13 costs, that Lucent requested a 20% price reduction for the *400G optical amplifier* in July 2000
14 that would take \$100 million off of JDSU’s top and bottom lines, and that Lucent reduced its
15 demand for the *400G optical amplifier* in August 2000. Lucent “cost savings program” for *400G*
16 *optical amplifiers* is further evidence of the difficulties that Lucent was having in the marketplace
17 in the year 2000, Lucent’s attempt to cut costs for the 400G optical amplifier, and the defendants’
18 knowledge of those facts.

19 **B. Plaintiffs’ Exhibit 224**

20 **Defendants’ Position**

21 During the testimony of Steve Moore, the Court said it would allow PX 224 to be
22 admitted into evidence if Plaintiffs could connect the document to an issue relevant to the case.
23 (See Oct. 31, 2007 Trial Tr. 122.) Plaintiffs published the exhibit to the jury, focusing on a
24 sentence in which Mr. Moore wrote: “Thanks, Henry. Do the above numbers include the
25 adjustments to costs of sales for acquisition accounting? If so, let’s find a way to hide a bit more
26 money.” (*Id.* at 123.) Plaintiffs thereafter failed to establish the relevance of the exhibit, nor
27 could they. Plaintiffs have dropped all claims relating to revenue recognition and earnings
28

1 management. The exhibit is further irrelevant to the accounting issues that remain in the case,
 2 namely JDSU's treatment of goodwill and inventory.²

3 Moreover, if PX 224 is admitted, Defendants must marshal evidence to establish the
 4 propriety of their revenue recognition practices. That process would confuse the jury as to which
 5 issues it must decide in this case, create a "mini-trial" within this trial, and necessitate undue
 6 consumption of time. Fed. R. Evid. 403. Evidence concerning issues that Plaintiffs concede they
 7 have abandoned will only unduly prejudice Defendants. *Id.* There is substantial danger that the
 8 jury improperly will consider Plaintiffs' abandoned claims in deciding the remaining accounting
 9 claims. Plaintiffs should not be permitted to use evidence about their abandoned claims to
 10 suggest that Defendants are liable on the remaining claims. Fed. R. Evid. 404(b).

11 Finally, as with PX 146, Plaintiffs' intention is to have PX 224 admitted as evidence of
 12 Defendants' collective bad character. As discussed above, however, not only is such evidence
 13 irrelevant, it is affirmatively barred by Rules 608(b) and 404(a).

14 **Plaintiffs' Position**

15 During the Defendants' cross-examination of Mr. Moore, defense counsel elicited
 16 substantial testimony about the integrity and accuracy of JDSU's financial reporting. Mr. Moore
 17 was asked, "And during the time that you ... held the position you held in charge of finance ...
 18 were you confident in the competence and integrity of the individuals who held those positions?"
 19 10/31/07 Trial Tr. at 1043:10-14. Mr. Moore, responded: "Yes, we had very good people out in
 20 the field." *Id.* at 15. Mr. Moore further testified that he personally reviewed the financial data
 21 and SEC filings for accuracy, the process in which he did that, and that he had no reason to doubt
 22 the accuracy and reliability of those figures. *Id.* at 1043:19-1046:6. Pursuant to Rule 613(b), Mr.
 23 Moore's statement from Exhibit 146, "let's find a way to hide a bit more money," is extrinsic
 24 evidence of a prior statement that is inconsistent with Mr. Moore's testimony at trial.

25
 26 ² Even assuming that Mr. Moore engaged in some misconduct — which he did not — and
 27 PX 224 was used to impeach his testimony, that misconduct would not make it more likely that
 28 Defendants made a false statement during the class period. The exhibit is irrelevant for this
 additional reason and thus should not be admitted. Fed. R. Evid. 402.

1 **C. Plaintiffs' Exhibit 559, Page RJ 00577**

2 **Plaintiffs' Position**

3 During the testimony of Russell Johnson on October 30, 2007, Plaintiffs introduced the
4 personal journal of Mr. Russell. Mr. Russell testified as to its authenticity and about the content
5 of several pages in the journal. 10/30/07 Trial Tr. at 802:15-28. Page RJ 00577 of Mr. Johnson's
6 journal specifically contained an entry for August 24, 2000 that stated, "Opcom Lucent ... Jay
7 contingency that Lucent only takes 75% of forecast." Mr. Johnson testified that he did not know
8 what forecast this entry was referring to. *Id.* at 821:5-15.

9 The Defendant Kalkhoven agrees to the admissibility of eighteen pages from Mr.
10 Johnson's journal. Defendant Kalkhoven, however, objects to the admissibility of page RJ 00577
11 on the basis that it was not published to the jury and that it was not officially moved into
12 evidence. Page RJ 00577 goes directly to the Plaintiffs' allegations that demand from Lucent in
13 August 2000 was declining and is relevant to the issues in this case. Furthermore, this journal
14 entry noting a 75% reduction in demand from Lucent at or around the time when Mr. Russell sold
15 \$37.5 million in JDSU stock relates to the non-public inside information he possessed at the time
16 of his sales. Page RJ 00577 of Exhibit 559 should be admitted.

17 **Defendants' Position**

18 During the testimony of Russell Johnson, Plaintiffs moved a number of pages from Mr.
19 Johnson's personal journal into evidence and published them to the jury. Page RJ 00577,
20 however, was not among them. (Tr. 821:5-15.) Plaintiffs should not be permitted to introduce
21 the page now, long after the conclusion of Mr. Johnson's testimony.

22 Mr. Kalkhoven has been denied a full and fair opportunity to question Mr. Johnson about
23 the entry. Had Plaintiffs sought to publish this page during their examination of Mr. Johnson, Mr.
24 Kalkhoven may have questioned Mr. Johnson about it. Although Plaintiffs claim that the entry
25 refers to a reduction in demand from Lucent, it actually references a "contingency," not any
26 actual decline in forecast. But, given time constraints, Mr. Kalkhoven did not deem it necessary
27 ask questions of Mr. Johnson to dispute Plaintiffs' theory about a page that Plaintiffs did not seek
28 to publish to the jury.

1 Finally, Plaintiffs contend that the journal entry is relevant to Mr. Johnson's state of mind
2 when he sold stock in August 2000. Mr. Johnson is not a defendant in this litigation; and as this
3 court has already ruled, the state of mind of individuals who are not defendants is not a relevant
4 subject of inquiry. (Tr. at 1019:23-1020:2, 1024:17-22; 1035:22-1036:3.)

5 Dated: November 6, 2007

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19 Connecticut Retirement Plans and Trust
20 Fund

21 Dated: November 6, 2007

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1 Dated: November 6, 2007

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Kevin Kalkhoven

14 PURSUANT TO STIPULATION, SECTION I. ABOVE IS ADOPTED BY THE
15 COURT. ~~UNDER SECTION II. ABOVE, EXHIBIT 146 [IS/IS NOT] ADMITTED; EXHIBIT~~
16 ~~224 [IS/IS NOT] ADMITTED; PAGE RJ 00577 OF EXHIBIT 559 [IS/IS NOT] ADMITTED.~~

18 IT IS SO ORDERED.

19
20 Dated: November 19, 2007

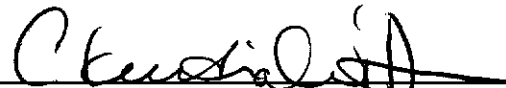
21 
HONORABLE CLAUDIA WILKEN
United States District Court Judge

Exhibit A

Case No. 02-1486

Case Name: In re JDS Uniphase Corp. Sec. Litigation

UNITED STATES DISTRICT COURT
for the Northern District of California
Trial Date: October 22, 2007

ADMITTED EXHIBITS									
EXHIBIT NUMBER	DESCRIPTION	PAGES ADMITTED	SPONSORING WITNESS	DATE		INTRO BY	TRANSCRIPT PAGE		
				Offered	Admitted in Evidence				
21	Russ Johnson Diary dated July 1999 to November 1999	RJ 00001-3, 8, 86, 152-155	Johnson	10/30/2007	10/30/2007	P	789		
62	E-mail re: IMPORTANT - Nortel Coupler Forecast	JDSU 5079713	Visvanatha	10/26/2007	10/26/2007	P	559		
73	E-mail re: E-Tek OEM Agreement Issue	JDSU 1132152	Visvanatha	10/26/2007	10/26/2007	P	559		
83	Russ Johnson Diary dated November 1999 to March 2000	P - RJ 00158-160, 216, 218 D - RJ 00309	Johnson	10/30/2007	10/30/2007	P & D	790, 843		
85	E-mail re: PEC & Monthly Financial Review: March 16	JDSU 919604	Moore	10/31/2007	10/31/2007	P	1010		
89	E-mail re: Inventory Levels	JDSU 918137	Moore	10/31/2007	10/31/2007	D	1053		
105	E-mail re: Metro Point Inventory	JDSU 1133492-1133494	Visvanatha	10/26/2007	10/26/2007	P	559		
108	E-mail re: MetroPoint Status and attached PowerPoint: "Network Products MetroPoint Program Status"	JDSU 930172-930173, 1133782-1133796	Visvanatha	10/26/2007	10/26/2007	P	559		
124	E-Mail re: 2000 DWDM Ramp-up CARs	JDSU 25804	Pitre	10/25/2007	10/26/2007	P	10/26/2007 Slip		
144	E-mail re: May Flash Reports and attached "Flash Account Monthly Summary, May 2000"	JDSU 938314, 938321	Johnson	10/30/2007	10/30/2007	P	799		
155	PowerPoint: "Proposed FY2001 Operating Plan, E-Tek Dynamics Inc, May 19 2000"	JDSU 1350131, 1350134, 1350151	Chandran	10/26/2007	10/31/2007	D	559		
160	Certified SEC Form S-4 Amendment No. 1 filed May 23, 2000 by JDS Uniphase Corporation	Cover, Attestation, 1, 40-41, 261	Kernick	10/30/2007	10/30/2007	P	906		
171	E-mail re: Mosaic Forecast Update	JDSU 5073248-5073249	Miskowicz	10/31/2007	10/31/2007	P	1096		
172	E-mail re: BuildPlanTemp.xls	JDSU 34506-34507	Pitre	10/25/2007	10/26/2007	P	10/26/2007 Slip		
177	Summary of June 1, 2000 Nortel Quarterly Business Review	JDSU 5073815-5073817	Miskowicz	10/31/2007	10/31/2007	P	1096		

LIST OF ADMITTED TRIAL EXHIBITS
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EXHIBIT NUMBER	DESCRIPTION	PAGES ADMITTED	SPONSORING WITNESS	DATE		INTRO BY	TRANSCRIPT PAGE
				Offered	Admitted in Evidence		
180	Russ Johnson Diary (March 2000 to June 2000)	P - RJ 00325-327, 357, 415, D - RJ 00464, 477	Johnson	10/30/2007	10/30/2007	P & D	875, 879
181	PowerPoint: "FY01 Forecast - Unconstrained Demand Summary"	JDSU 0350469-350477	MacMillan	10/25/2007	10/25/2007	P	480
183	E-mail re: Major Issue - JDSU/E-Tek OEM Agreement	JDSU 927780-927783	Visvanatha	10/26/2007	10/26/2007	P	559
189	June 7, 2000 Customer Issues Flash Report - Week 23	JDSU 7289842-7289843	Miskowicz	10/31/2007	10/31/2007	P	1096
191	E-mail re: Nortel Meeting	JDSU 1135803	Visvanatha	10/26/2007	10/26/2007	P	559
218	PWC Estimation of the Fair Value of Certain Intangible Assets of E-Tek as of June 30, 2000	PWC 04796-4798, 4800- 4801, 4807-4808, 4818, 4867	Henning Kernick	10/29/2007 10/30/2007	10/29/2007	P	637, 902, 929
225	E-mail re: 800G OAM RFQ Feedback	JDSU 3107106-3107107	Buchan	10/29/2007	10/29/2007	P	619
228	E-mail re: ESPP - Employee Stock Purchase Plan Enrollment Deadlines	JDSU 1095145-46, 1095150-1095151	Moore	10/31/2007	10/31/2007	P	1013
241	E-mail re: Components July Forecast Prelim Release	JDSU 0039027	MacMillan	10/25/2007	10/25/2007	P	480
250	DRAFT: JDSU Valuation of Certain Intangible Assets of SDL, Inc. 7/19/00	PWC 958, 994	Kernick	10/30/2007	10/30/2007	P	914
258	Meeting Summary/Action Items List from 07/20/00 Lucent Meeting	JDSU 1774235-36	Johnson	10/30/2007	10/30/2007	P	808
281	E-mail re: Lucent Info for Jozef's Jose Meeting today	JDSU 925584	Buchan	10/29/2007		P	619
322	E-mail re: Aug 7 Flash Sales and attached August 7 weekly sales flash report	JDSU 1618179, 1619184	Johnson	10/30/2007	10/30/2007	P	825

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				Offered	Admitted in Evidence		
362	E-mail re: OpCom Agenda Thursday, 8/17 PowerPoint: "Financial and Operations Committee Review"	JDSU 1350364	Moore	10/31/2007	10/31/2007	P	1015
364	E-mail re: Aug 2000 Flash Reports and attached "Flash Account Monthly Summary"	P- JDSU 0176816- 176817, 176821 D - JDSU 0176818, 176820, 176826, 176836	Johnson	10/30/2007	10/30/2007	P & D	848, 849
379	E-Mail re: (Redbook) Sales and Operations Planning	JDSU 350918-350919	Pitre	10/25/2007	10/26/2007	P	10/26/2007 Stip
381	Draft Valuation Report for Estimation of the fair Value of Certain Intangible Assets of E-Tek as of June 30, 2000	PWC 169, 171, 206	Kernick	10/30/2007	10/30/2007	P	910
386	E-Mail re: Lucent Strategy for Q1 (FPG Impacts)	JDSU 893844-893845	Buchan	10/29/2007	10/29/2007	P	619
388	Aug FPG Account Demand Forecast	JDSU 1130250-1130263	Pitre	10/25/2007	10/26/2007	P	10/26/2007 Stip
405	E-mail re Lucent Revenue for Q1 - Status and attached "Lucent Revenue Forecast"	JDSU 1282099-1282102	Moore	10/31/2007	10/31/2007	P	1021
411	August 25, 2000 email from Chong to Miskowicz and list Re "100 Ghz Build Plan for Q2"	JDSU 530152-530154	Visvanatha	10/26/2007	10/26/2007	P	559
414	August 25, 2000 email from Miskowicz to Shayanpour et al re: "100 Ghz Build Plan for Q2"	JDSU 749876-749877	Miskowicz	10/31/2007	10/31/2007	P	1096
426	JDSU Policy & Procedures re: Accounting for Impairment of Long-Lived Assets and Restructuring Charges	JDSU 1284010-1284012	Chase	10/25/2007	10/25/2007	P	417
428	FPG Total Demand Forecast Summary	JDSU 5092153-5092154	MacMillan	10/25/2007	10/25/2007	P	480
435	Form S-4 for the SDL Merger	Cover, Attestation, 1, 34, 290	Henning	10/29/2007	10/29/2007	P	649

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				Offered	Admitted in Evidence		
436	E-mail re: Privileged and Confidential - Q&A for Ottawa and attached "Q&A for Ottawa Investor Day"	JDSU 7233382-7233385	Reynders	10/31/2007	10/31/2007	P	1097
516	E-mail re emails to watch for and attached "JDS Uniphase Partnership"	JDSU 178180-178185	Visvanatha	10/26/2007	10/26/2007	P	559
532	Certified SEC Form 10-Q for the quarter ended September 30, 2000 filed November 14, 2000 by JDS Uniphase Corporation	Cover, Attestation, 1, 3, 8, 35	Henning	10/29/2007	10/29/2007	P	652
538	Certified SEC Form S-4 Amendment No. 1 filed November 17, 2000 by JDS Uniphase Corporation	Cover, Attestation, 1, 200, 303	Henning	10/29/2007	10/29/2007	P	653
541	E-mail re: Modules Forecast Update	JDSU 444893	MacMillan	10/25/2007	10/25/2007	P	480
554	E-mail re: Outlook On The Inventory	JDSU 1094565-1094566	Moore	10/31/2007	10/31/2007	P	1032
559	Russ Johnson Diary (July 1999 to November 1999)	P - RJ 00495-496, 529, 536-538, 541, 547-548, 550-551, 580-581, 583, 655 D - RJ 00540, 586-587	Johnson	10/30/2007	10/30/2007	P & D	883
567	E-mail re: Nortel - Q2 & Q3	JDSU 1112191	Visvanatha	10/26/2007	10/26/2007	P	559
588	E-mail re DWDM Number Reductions	JDSU 1112879-1112880	Visvanatha	10/26/2007	10/26/2007	P	559
598	"FPG Actual Billings vs Forecasted Demand"	JDSU 0447593-447595	MacMillan	10/25/2007	10/25/2007	P	480
603	E-mail re: Q2 Impact	JDSU 0960335-960337	Chase	10/25/2007	10/25/2007	P	410
610	E-mail re: Opcom Forecast and attached PowerPoint: January 11, 2001 Opcom	JDSU 1307691-1307694, 1307706-1307707	Moore	10/31/2007	10/31/2007	P	1077

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				Offered	Admitted in Evidence		
611	E-mail re: Q3 Challenge	JDSU 1141720	Moore	10/31/2007	10/31/2007	P	1080
639	E-Mail re: Jan. 31 Jay's Staff Meeting	JDSU 273416-273420	Visvanatha	10/26/2007	10/26/2007	P	559
643	E-mail re: Want to buy some DWDm products?	JDSU 7387302	Visvanatha	10/26/2007	10/26/2007	P	559
651	Certified SEC Form 10-Q for the quarter ended December 30, 2000 filed February 13, 2001 by JDS Uniphase Corporation	Cover, Attestation, 1-3, 10, 46	Henning	10/29/2007	10/29/2007	P	653
672	E-Mail re: JDS Uniphase Goodwill Impairment Memo and attached Memo: "Determination of Possible Goodwill Impairment"	EY01 014456-14459	Cover	10/31/2007	10/31/2007	P	955
685	Letter re: JDS Uniphase Corporation - Measurement and Allocation of Enterprise Level Goodwill Impairment Charge	JDSU 33178-33187	Grabowy	10/31/2007	10/31/2007	P	1096
711	May 1, 2001 letter from S. Moore to Robert Bayless of the SEC	JDSU 1283883, 1283890, 1283898	Moore	10/31/2007	10/31/2007	P	1026
713	Form 10-Q for the quarter ended 3/31/01	JDSU 1284014, 1284018	Moore	10/31/2007	10/31/2007	P	1029
743	Overall Analysis of Assets Held and Used Under FAS 121	EY01 005688-5689, 5697	Cover	10/31/2007	10/31/2007	D	982
751	Certified SEC Form 10-K for the fiscal year ended June 30, 2001 filed September 19, 2001 by JDS Uniphase Corporation	Cover, 1-2, 57, 95-100, 180	Henning	10/29/2007	10/29/2007	P	669
786	UBS Warburg Grant Detail Report	JDSU 3107386-3107387	Johnson	10/30/2007	10/30/2007	D	866
837	E-Mail re: April Flash Reports	JDSU 747437, 747455, 747448	Johnson	10/30/2007	10/30/2007	D	871, 873
841	E-mail re: Forecast Waterfall Data Tables	JDSU 1275872-1275874	Chandran	10/26/2007	10/26/2007	D	585, 605

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for the Northern District of California
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Case No. 02-1486
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861	Certified SEC Form S-3 filed October 30, 2000 by JDS Uniphase Corporation	Cover, 1, 16, 20, 21	Henning	10/29/2007	10/29/2007	P	651
862	Certified SEC Form S-4EF filed February 12, 2001 by JDS Uniphase Corporation	Cover, 1-4	Henning	10/29/2007	10/29/2007	P	653
863	Certified SEC Amended Form 8-K for February 13, 2001 filed March 23, 2001 by JDS Uniphase Corporation	Cover, Attestation, 1, 47	Cover	10/31/2007	10/31/2007	P	961
886	CD-ROM containing Native version of FPG Demand Forecast Database (Originally Produced as JDSU 1129826 - 1131184)	8/21/2000 Forecast Distribution (Cover, p.1 of 11-11 of 11, p.1 of 2-2 of 2); 10/16/2000 Forecast Distribution (Cover, p.1-2); 12/11/2000 Forecast Distribution (Cover, p.1-2)	Henning	10/29/2007	10/29/2007	P	673
897	Certified SEC Form 10-Q for the quarter ended March 31, 2001 filed May 11, 2001 by JDS Uniphase Corporation	Cover, Attestation, 1-3, 9, 14, 45	Henning	10/29/2007	10/29/2007	P	668
898	Certified SEC Form 10-Q for the quarter ended March 31, 2001 filed September 19, 2001 by JDS Uniphase Corporation	Cover, Attestation, 1-6, 61	Henning	10/29/2007	10/29/2007	P	668
927	2 Charts from T. Barnich Rebuttal Report entitled: CLEC Industry Revenue Growth Rate Forecast by Service Category (1999-2002) and (2000-2003)	1-2	Barnich	10/24/2007	10/24/2007	P	351
1572	1/6/2000 Fax from N. Melka to G. Franceschi	PWC 2558-2559	Kernick	10/30/2007	10/30/2007	D	926

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EXHIBIT NUMBER	DESCRIPTION	PAGES ADMITTED	SPONSORING WITNESS	DATE		INTRO BY	TRANSCRIPT PAGE
				Offered	Admitted in Evidence		
1714	4/26/2000 E-mail from T. Pitre to F. Abdul-Nour et al. re: "Q4, 2000 Redbook for filters and cp (FMC108)"	JDSU 0183073-183075	Pitre	10/25/2007	10/26/2007	P	10/26/2007 Stip
1831	7/10/2000 E-mail from S. Pietrusiak to A. Chandran re: "BRB Report as of 0630 EOB"	JDSU 1656043-1656044	Chase	10/25/2007	10/25/2007	D	456
1842	Redbook Review Q1 FY 01	JDSU 1730546-1730571	Pitre	10/25/2007	10/26/2007	P	10/26/2007 Stip
1891	7/26/2000 JDS Uniphase Corporation Conference Call Transcript	1, 3, 8	Johnson	10/30/2007	10/30/2007	D	864
1901	8/1/2000 E-mail from K. Crawford to J. Straus et al. re: "July 31 Flash Sales"	JDSU 175645, Page 3 of Native Attachment	Johnson	10/30/2007	10/30/2007	D	858
1914	8/8/2000 E-mail from K. Bisbee to K. Crawford et al. re: "August 7 Flash Sales" and printout of native version attachment, produced at JDSU 0166188-201	JDSU 166816, Page 3 of Native Attachment	Johnson	10/30/2007	10/30/2007	D	858
1924	8/14/2000 E-mail from K. Crawford to J. Straus et al. re: "Flash - 8/14" and printout of native version attachment, produced at JDSU 1085856-69	JDSU 1085855, Page 3 of Native Attachment	Johnson	10/30/2007	10/30/2007	D	858
1929	8/16/2000 E-mail from J. Nguyen to K. Crawford et al. re: "BRB Report as of 08/15 EOB"	JDSU 1618828-1618830	Chandran	10/26/2007	10/26/2007	D	603
1944	8/22/2000 E-mail from K. Bisbee to J. Straus et al. re: "Flash - 8/21" and printout of native version attachment, produced at JDSU 0936844-57	JDSU 936843, Page 3 of Native Attachment	Johnson	10/30/2007	10/30/2007	D	858
1953	8/28/2000 E-mail from K. Bisbee to J. Straus et al. re: "Flash - 8/28" and printout of native version attachment, produced at JDSU 1142774-87	JDSU 1142773, Page 3 of Native Attachment	Johnson	10/30/2007	10/30/2007	D	858

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1963	9/1/2000 JDS Uniphase Corp. Form 8-K	Cover, 1, 28, 35-36, 52, 72-73	Chase Henning	10/25/2007, 10/29/2007	10/22/2007, 10/29/2007	D & P	442 640
2043	10/16/2000 PowerPoint Presentation "The CLEC Landscape, Envisioning the Future from the Past", by the New Paradigm Resources Group at the Rural Independent Competitive Alliance	Cover, 10	Barnich	10/24/2007	10/24/2007	D	323
2081	10/31/2000 New Paradigm Resources Group, Inc. Press Release announcing "New Paradigm Resources Group sees Lessons for CLECs in recent AT&T Restructuring"	1-2	Barnich	10/24/2007	10/24/2007	D	328
2111	11/27/2000 New Paradigm Resources Group, Inc. Press Release announcing "The CLEC Report Charts Continuing Industry Growth, with Data Gains Offsetting Switched Dial Tone"	1-2	Barnich	10/24/2007	10/24/2007	D	355
2165	1/15/2001 Memorandum from M. Clement et al. to M. Bentley et al. re: "Summary Review Memorandum Q2 F01 - JDS Uniphase Inc. (Canada)"	EY01 001660, EY01 001666	Chase	10/25/2007	10/25/2007	D	443
2169	1/17/2001 E-mail from S. Pietrusiak to J. Straus et al. re: "Re: Operations Committee Presentation - January Forecast"	JDSU 949076-949077, 949079-949080, 949083- 949084, 949108-949109	Moore	10/31/2007	10/31/2007	P	1081
2178	1/22/2001 E-mail from K. Bisbee to J. Straus et al. re: "Flash Report-1/22" and printout of native version attachment, produced at JDSU 0949149-215	JDSU 949148, Pages 2-3 of Native	Moore	10/31/2007	10/31/2007	D	1095
2315	4/24/2001 Press Release announcing "JDS Uniphase Announces Third Quarter Results And Global Realignment Program"	JDSU 1357753-1357762	Henning	10/29/2007	10/29/2007	P	660
2445	9/19/2001 JDS Uniphase Corp. Form 10-Q/A for the quarterly period ended March 31, 2001	1, 5	Cover	10/31/2007	10/31/2007	D	980

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2512	New Paradigm Resources Group, Inc. "CLEC Report 2001™, 13th Edition	Cover, Executive Summary Pages: 1 of 13, 2 of 13, 3 of 13	Barnich	10/24/2007	10/24/2007	D	333, 335, 341
2521	03/1995 Financial Accounting Standards Board-SFAS No. 121 "Accounting for the Impairment of Long-Lived Assets and for Long-Lived Assets to Be Disposed Of"	Cover, 4, 6	Henning	10/29/2007	10/29/2007	D	737, 738
2640	Bio of Terry Barnich posted on New Paradigm Resources Group website	1	Barnich	10/24/2007	10/24/2007	D	338
2642	3/6/2007 6/4/2007 New Paradigm Resources Group Press Release re: New Paradigm Resources Group's Metro Ethernet Report Confirms Metro Ethernet's Starring Role in Telecommunication Industry's Future	1-2	Barnich	10/24/2007	10/26/2007	D	10/26/2007 Stip
2643	6/4/2007 New Paradigm Resources Group Press Release re: New Paradigm Resources Group and Telephony Magazine Host Leadership Forum and Communications Innovators Awards Reception	1-3	Barnich	10/24/2007	10/26/2007	D	10/26/2007 Stip
3070	4/11/2000 Email from P. Chalifour re Heads Up on Corning and Nortel	JDSU 1142541	Johnson	10/30/2007	10/30/2007	D	881